

# **Arizona State Board of Homeopathic and Integrated Medicine Examiners**

## **Minutes of the Regular Meeting**

**May 11, 2010**

### **I. Call to Order, Roll Call**

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:00 a.m.

#### **Roll Call**

##### **Present:**

Todd Rowe, MD, MD(H)  
Dr. Les Adler, MD, MD(H)  
Don Farris  
Alan Kennedy (arrived 10:30 a.m.)  
David Rupley, Jr., MD(H)

##### **Absent:**

Martha Grout

Christine Springer, Mona Baskin, Assistant Attorney General (arrived 9:08 a.m.), and members of the public were also present

### **II. Review, Consideration, and Action on Minutes**

#### *Rules Committee Teleconference – April 26, 2010*

Dr. Rupley moved approval of the teleconference meeting minutes and Mr. Farris seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

#### *Regular Meeting Minutes – January 12, 2010*

Dr. Rupley moved to approve the regular meeting minutes and Mr. Farris seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

#### *Regular Meeting Teleconference – March 9, 2010*

Dr. Rupley made the motion approving the teleconference meeting minutes. Dr. Adler seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

### **III. Review, Consideration and Action on Applications**

#### *A. Physicians*

There were no completed physician applications.

#### *B. Medical Assistants*

At Dr. Rowe's request, Mrs. Springer provided educational and experience backgrounds on the applications submitted for homeopathic medical assistant

Soila Vasquez

Dr. Adler made a motion approving the application. Dr. Rupley seconded the matter that passed following a brief discussion. Dr. Adler, Dr. Rowe, Dr. Rupley and Mr. Farris were present for the vote.

Keri Lundeen

Dr. Rupley made a motion to approve the application of Ms. Lundeen. Mr. Farris seconded the motion that passed unanimously.

Dr. Rowe recused himself during the discussions of the applications filed by Mario Fontes and Blanca Meza. Mr. Farris chaired the meeting during the discussion.

Mario Fontes

Dr. Rupley made a motion approving the application submitted by Mr. Fontes. Mr. Kennedy seconded the motion that passed unanimously 4 – 0 (Kennedy, Rupley, Farris, Adler). Rowe recused.

Blanca Meza

Dr. Adler moved to approve the application submitted by Blanca Meza. Dr. Rupley seconded the motion that passed unanimously 4 – 0. (Kennedy, Rupley, Farris, Adler). Rowe recused.

#### **IV. Review, Consideration and Action on Previous Board Orders**

##### **1. Charles Crosby – Quarterly report**

Dr. Rowe commented that his review of the quarterly report indicated that Dr. Crosby was in compliance with the terms of the Board's Consent Agreement and Order.

2. Mrs. Springer reported that Dr. Schroeder had submitted twelve hours of continuing education as requested in a Non-Disciplinary letter of concern issued by the Board in Case No. 09-08. The Board requested that Dr. Schroeder be informed in writing of his compliance with their request.

#### **V. Review, Consideration and Action on Complaints and Investigations**

##### ***A. Review, Consideration, and Action - Ongoing Reviews***

Case No. 09-11	Fry's Pharmacy vs. Lloyd Arnold, MD(H)
Case No. 09-17	Lloyd Arnold, MD(H) (OBEX Referral)
Case No. 10-03	P.U. vs. Lloyd Arnold, MD(H)

Mrs. Springer provided a status update on these matters stating that Dr. Arnold had informed her of his retirement from medicine and sale of his medical practice. She stated he had indicated his interest in entering into a Consent for Voluntary Revocation of his homeopathic medical license and that his Osteopathic license had been surrendered on February 27, 2010.

Dr. Rowe indicated he would support a consent agreement for voluntary revocation of Dr. Arnold's homeopathic medical license.

In response to a question from Dr. Rupley regarding whether a revocation of license would be permanent, Mrs. Springer stated that current statutes preclude the Board from considering a new application for five years from the date of an action taken against a license. In addition, Dr. Arnold would have to have an active Osteopathic license prior to applying for a new homeopathic license.

Dr. Rupley made a motion to have the Assistant Attorney General prepare a Consent to Voluntary Revocation for Dr. Arnold. Dr. Rowe seconded the motion.

During discussion, Dr. Adler inquired if it would be possible for Dr. Arnold to allow his license to expire by not renewing it. Mrs. Springer explained that the outstanding matters against the license would have to be reviewed prior to any license expiration. She also commented that Case Nos. 09-17, 10-03, and 10-04 should be administratively closed with an option to re-open at a future date should Dr. Arnold request re-licensure. The Board would have an opportunity to vote on this suggestion when a signed Consent Agreement and Voluntary Surrender is submitted to them for their consideration.

The question was called and the motion passed unanimously 4 – 0

Roll Call to issue a Consent Agreement for Voluntary Revocation

Aye – Rupley, Farris, Adler, Rowe

(Mr. Kennedy not present for this discussion)

***B. Review, Consideration, and Action – Tracking Log Notification of New Complaints Filed***

**Case No. 10-04      G.S. vs. Lloyd Arnold, MD(H)**

Mrs. Springer commented briefly concerning this matter that had been referred to the board from the Osteopathic Medical Board in February. She suggested the Board consider administrative closure when Dr. Arnold agrees to sign the Consent to Voluntary Revocation of his homeopathic medical license.

Dr. Rupley made the motion to administratively close the investigation of this matter with an option to reopen should Dr. Arnold reapply for a homeopathic medical license. Dr. Adler seconded the motion that passed unanimously.

Roll Call: 4 – 0 (Adler, Rupley, Farris, Rowe)

*(Mr. Kennedy arrived at 10:30 a.m. during the discussion of this agenda item, but did not vote on the matter)*

**Case No. 10-05      R.B. vs. Stephen Davison, DO, MD(H)**

Mrs. Springer stated that the Osteopathic Board had referred this complaint to the Homeopathic Board. The complaint referred to an office visit in 2003 in which R.B. had sought treatment from the doctor. The complainant disputed fees, a subsequent referral to collections, and alleged unprofessional conduct by the doctor.

Dr. Rowe, expressed concern about the lengthy delay in submitting the complaint. In addition, a business owner (in this case, the physician) does not have authority over the

manner in which a collection agency pursues an outstanding debt. He noted that the complainant had not made a referral to the police department concerning allegations of unprofessional conduct.

*(At this point in the meeting, the Board took a 10 minute recess to review Dr. Davidson's written response to the complainant.)*

Upon the Board's return, Dr. Rupley commented that Dr. Davison had attempted to compromise and reduce the fee for the complainant but had not been successful in securing payment which had ultimately led to a referral to collections in 2004. He stated that there was insufficient evidence to prove unprofessional conduct.

Mr. Kennedy made a motion declining to open the complaint. Mr. Farris seconded the motion that passed unanimously.

Roll Call: 5 – 0 (Kennedy, Farris, Rupley, Adler, Rowe)

**Case No. 10-06      M.C. vs. Les Adler, MD, MD(H)**

Dr. Adler recused himself from this matter and sat in the audience.

**V. Review, Consideration and Action on Previous Board Orders**

Charles Crosby – Quarterly report

The board reviewed the quarterly report submitted in conformance with the terms of the Consent Agreement and Order of Probation. There was a brief discussion regarding the time frame of the terms of the order. Dr. Rowe commented that the disorder is not curable and that the order is appropriate and should remain in effect.

**VI. Review, Consideration and Action on Rules, Legislation, Substantive Policy Statements**

**A. Legislation**

1. Mrs. Springer reviewed the following legislative bills with board members:  
HB2030 – the legislature approved the board's extension until July 1, 2020;  
SB1250 – would have allowed the use of the term homeopath by non physicians. The bill was not approved;  
SB1255 – the bill was approved and signed by the Governor. It regulates the way health care service advertisements show a professional's name and title  
HB2545 – the bill was approved and signed by the Governor. It regulates the posting of dismissed complaints and non disciplinary actions on a regulatory board's website.

The Board requested that additional information concerning HB2545 and SB1255 be provided at the July board meeting.'

2. and 3. Dr. Rowe recused himself from this discussion.

Patrick Hesselman, President of the Board of Directors of the American Medical College of Homeopathy (AMCH), presented an update to the Board on the status of the DHPP and HPCP programs offered by the American Medical College of Homeopathy.

Mr. Hesselman stated that the college will offer the programs beginning February, 2011. The degree is four years, consists of 4280 hours, and students must have a B.A. prior to

entry. Comprehensive examinations will be completed at the end of the second and fourth years. Current accreditation includes the CHE (Council for Homeopathic Education), the Higher Learning Commission, and the Arizona State Board of Private Postsecondary Education.

Mr. Hesselman stated that in 2004, the Board voted to support the college in its initiative to graduate doctors of homeopathy (DHPP). In his review of the upcoming sunrise application he stated that he is hopeful the Board will continue its support of their application and co-sponsor the application.

There was discussion about the proposed title that graduates would use as their professional designation. Mr. Hesselman stated that the training is oriented strictly to homeopathy and the doctoral level of the training would be reflected in the title. Mr. Kennedy inquired whether other boards had co-sponsored sunrise applications and expressed concern that it may be inappropriate for the Board to do so. He suggested an endorsement of the proposal. Mrs. Springer stated she would contact other Boards to determine if they had information regarding co-sponsoring legislation.

The Board thanked Mr. Hesselman for his time and presentation and tabled the matter until the July meeting. Mrs. Springer was directed to conduct research on the appropriateness of the Board serving as a co-sponsor of the sunrise application.

## **B. Rules**

### **1. A.A.C. Chapter 38, Article 1. General**

Mrs. Springer directed the Board's attention to the minutes of the Rules Committee held on April 26, 2010 and noted that the Board had voted to delete the proposed rule, (R4-38-106 as proposed) concerning competency following discussion with members of the Arizona Homeopathic and Integrated Medical Association. She commented that a new rules docket would be opened for this Article due to the lengthy time the original docket sat idle from the effect of the rulemaking moratorium. She noted that several changes to Sections 103 and 115 should be addressed.

The Rules Committee agreed to meet to consider language related to the addition of neurotherapy in Section 103 and the proper use of the M.D.H. abbreviation in Section 115.

## **VII. Review, Consideration and Action on Professional Business**

1. Mrs. Springer stated she had been able to secure a copy of the Arizona Government University's investigator training manual and that she would be reviewing the booklet to determine which chapters should be included in the medical consultant training. Board members commented they would like to tape the presentation and be able to provide a disc to new medical investigators. Several other suggestions were made including asking an investigator from another medical board to assist with the training.

2. A general discussion was held concerning when to conduct teleconference meetings. All board members agreed that they were cost effective and saved travel time for out of county members. However, the Board agreed that if a complaint review was to be conducted a teleconference would not be the appropriate format in which to hold the meeting.

3. Discussion of the next newsletter was deferred.

4. Dr. Geoffrey Radoff's Protocol and Informed Consent for Hydrogen Peroxide IV Therapy was reviewed. Both Drs. Adler and Grout agreed that the protocol was not correct and should be revised to reflect what condition is being treated, what the risks and benefits are of the treatment, and why the therapy is being offered to the patient. In addition, patients should be informed of what the alternatives are to the therapy.

Mrs. Springer was directed to provide a copy of a previously approved Consent for Hydrogen Peroxide IV Therapy for Dr. Radoff as a representative sample and to request that he revise his protocol and informed consent for review by the Board at their next meeting.

5. Mrs. Springer stated she was awaiting skills checklists for the acupuncture, neuromuscular and orthomolecular therapies. She questioned board members about whether the skills checklist should include both oral chelation and IV chelation. They agreed that there should be questions on the examination for both therapies and that skills checklists should be provided for both therapies.

6. Continuing Education Review – Jeffrey Utter, D.C. Retired

The Board reviewed and approved coursework in the amount of eight (8) credit hours for the following course: Orthopedic and Neurological Examination of the Upper Extremities Motion made by Dr. Rowe, seconded by Dr. Grout and passed unanimously.

### **VIII. Review, Consideration and Action on Other Business**

Mrs. Springer gave a brief overview of finances as of December 31, 2009. She stated that the current cash balance is \$37,521 and 52.78% of the appropriation amount of \$104,900 has been spent. The current balance in the appropriated fund is \$48,778.

### **IX. Call to the Public**

Following an invitation from Dr. Rowe, there were no members of the public that wished to make an oral statement to the Board.

### **X. Future Agenda Items**

- HB2545 and SB1255
- Preceptor training standards

### **XI. Future Meeting Dates**

A Rules Committee meeting to include Drs. Rowe, Grout, and Rupley will be scheduled for January 28, 2010 at 8:00 a.m. and will be held via Teleconference.

### **XII. Adjournment**

The meeting adjourned at 12:10 p.m. following a motion by Dr. Grout. The motion was seconded by Dr. Adler and passed unanimously. The next Regular Meeting of the Board will convene at 1400 W. Washington, in the Conference Room located in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on March 9, 2010.

Regular Minutes May 11, 2010

Respectfully Submitted,

Christine Springer  
Executive Director

**Approved in Regular Meeting on July 13, 2010**